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10/573,268	03/23/2006	Kang Soo Seo	46500-000380/US	3026

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HARNESS, DICKEY & PIERCE, P.L.C.  
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EXAMINER
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DAZENSKI, MARC A

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2481

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,268	<b>Applicant(s)</b> SEO ET AL.	
	<b>Examiner</b> MARC DAZENSKI	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,19,27-31 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,19,27-31 and 33-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-16-10</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 July 2010 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 30 July 2010 have been fully considered but they are not persuasive.

On page 7-8 of the remarks, Applicant argues, "...the video content is not provided by the internet or included with the ENAV information downloaded therefrom, rather, the video content is provided from the DVD..." and further, "To the contrary, the only video data displayed by Tsumagari's apparatus is the video data on the disk." The examiner respectfully disagrees, and points to the following sections of Tsumagari:

-paragraph [0092] discloses "outputting both of the video image from the DVD video reproducing portion R and the video image from the ENAV reproducing portion E to be composed with each other (mixed frame mode)";

-paragraph [0036] discloses "the ENAV contents are configured to include data such as...motion picture..." as well as paragraph [0167] discloses the ENAV data may include "image data such as motion picture";

-paragraph [0156] discloses "the downloaded ENAV contents can be displayed independently or can be displayed to be composed with the DVD contents in the disk or the ENAV contents in the disk"; and,

-figure 9B discloses video contents D being reproduced concurrently with web contents W (see particularly window "D" as well as "Video image of dinosaurs" in window "W"). Therefore, the examiner maintains that Tsumagari does in fact disclose the claimed limitations.

On page 8 of the remarks, Applicant argues, "That is, Tsumagari fails to disclose video contents from the web content distribution server alone or with an ENAV contents." The examiner disagrees, and points to paragraph [0156] which discloses "the downloaded ENAV contents can be displayed independently or can be displayed to be composed with the DVD contents in the disk or the ENAV contents in the disk."

On page 8 of the remarks, Applicant argues with respect to claim 19 that the rejection be withdrawn "for somewhat similar reasons" as claim 1. As the examiner has refuted the arguments with respect to claim 1, the examiner maintains the previous rejection.

On page 9 of the remarks, Applicant traverses the rejection to claim 7 under 35 USC 103, arguing, "...the Applicants submit the instant features are not disclosed by either Mekenkamp or Chatterton." The examiner notes that Applicant does not specify

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in which way the secondary references do not teach the instant features, and therefore maintains the rejection in view of the previously cited sections of Tsumagari (see the rejection of claim 7 below as well as in the previous Office Action). Further, Applicant argues, "...even if one skilled in the art did combine Tsumagari with Mekenkamp and Chatterton, the combination would not disclose the instant feature." Regarding this argument, the examiner maintains the Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

On page 10 of the remarks, Applicant argues "Tsumagari does not disclose reproducing the ENAV contents from the disk with the ENAV contents from the web. To the contrary, Tsumagari's device reproduces either the ENAV contents from the web or the ENAV contents from the disk." The examiner disagrees, and points to the previously cited paragraph [0156] which discloses exactly what Applicant claims Tsumagari does not teach. On the same page, Applicant further argues, "...because Tsumagari does not disclose reproducing ENAV contents from the disk with ENAV contents from the web, Tsumagari does not disclose reproducing the alleged *first audiovisual (AV) data* with alleged *second enhanced data*." The examiner notes that Applicant's argument is moot since the examiner has proven that Tsumagari does in fact disclose (again, at paragraph [0156]) reproducing web ENAV and disk ENAV contents. The examiner also notes that the claimed "first AV data" and "second enhanced data" of claims 33-34 are broad enough that they can be reasonably

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interpreted as an amount of data as little as a single frame (i.e., the "first AV data" may be a single frame of a movie while the "second enhanced data" may also be a single frame of a concurrently reproduced motion picture data or image). Therefore, absent some special definition of what comprises the first AV data and the second enhanced data, the examiner maintains the previously cited sections of Tsumagari do in fact disclose the limitations of the claim (see also the rejection of claims 33-34 in the body of the Office Action below).

A full rejection of the pending claims appears below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 4-6, 8, 19, 27-31, and 33-38** are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumagari et al (US PgPub 2004/0126095), hereinafter referred to as Tsumagari.

Regarding **claim 1**, Tsumagari discloses an optical disk apparatus and optical disk processing method and optical disk (see title). Further, Tsumagari discloses a method for reproducing a set of at least one of external

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data and a set of internal data of a recording medium (see [0043]: “optical disk apparatus according to the present invention acquires and reproduces ENAV contents...the ENAV contents are selectively reproduced in addition to reproduction of the existing DVD contents, making it possible to carry out a variety of reproduction processes.”); the method comprising:

receiving the external data from an external source, the external data including first audiovisual (AV) data and first enhanced data (see [0049]: “...web contents consisting of video image information acquired from the internet...”; see [0116]: “This disk device can download ENAV contents from a dedicated server to the buffer portion 57 and reproduce (decode) the ENAV contents.”; see [0167]: “The ENAV contents are composed of...image data such as motion picture or still picture...”; see figure 6; particularly steps S21 and S28);

loading the recording medium having the internal data, the internal data including second AV data and second enhanced data (see [0047]: “...disk detecting portion 61 for mounting an optical disk...thereby detecting DVD video contents and/or ENAV contents recorded in a disk ‘d’...”; see figure 2 particularly the “DVD video contents” and “ENAV contents” being on the same disk d, as well as figure 5 particularly steps S14, S15, and S17 showing reproduction of web, web-ENAV, disk-ENAV, and disk-DVD contents);

setting a display mode from among a plurality of display modes, the plurality of display modes including at least a first mode for reproducing AV data, a second mode for reproducing both AV data and enhanced data, and a third mode for reproducing enhanced data (see [0092] – [0097]: “The video image output control portion 59...is

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configured so as to carry out any of...full video mode...full ENAV mode...mixed frame mode...In addition, the video image output control portion 59 has functions for...selecting a video output image...Further, this control portion 59 can start or terminate an output of a video image at a specified timing via a layout control signal, continue an output of a video image for a specified time, or output a video image at a specified position...”);

determining which AV data between the first AV data and the second AV data is to be reproduced in one of the first mode and the second mode (see [0159]: “On the other hand, a user event control portion 54 receives an operating signal from a user operating portion 53 or operates an output mode selecting switch 102 of the above described remote controller 101, thereby supplying a control signal to the video image and/or voice output control portion 59 in order to carrying out switching of the previously described four cases a, b, c, and d.”; see [0036]: “For the information for controlling reproduction thereof, the ENAV contents...and/or method for reproducing DVD video contents...are described by using a markup language or a script language.”; see [0055]: “The user event interpreting portion 54 used here generates a user event which corresponds to a user operation of a DVD video reproducing apparatus.”);

determining which enhanced data between the first enhanced data and the second enhanced data is to be reproduced in one of the second mode and the third mode (see [0159]: “On the other hand, a user event control portion 54 receives an operating signal from a user operating portion 53 or operates an output mode selecting switch 102 of the above described remote controller 101, thereby supplying a control



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signal to the video image and/or voice output control portion 59 in order to carrying out switching of the previously described four cases a, b, c, and d.”; see [0036]: “For the information for controlling reproduction thereof, the ENAV contents...and/or method for reproducing DVD video contents...are described by using a markup language or a script language.”; see [0055]: “The user event interpreting portion 54 used here generates a user event which corresponds to a user operation of a DVD video reproducing apparatus.”);

reproducing one of the first AV data, the second AV data, the first enhanced data, the second enhanced data, a combination of the first AV data and the first enhanced data, a combination of the first AV data and the second enhanced data, a combination of the second AV data and the first enhanced data, and a combination of the second AV data and the second enhanced data based on the set display mode and the determinations (see [0156]: “The downloaded ENAV contents can be displayed independently or can be displayed to be composed with the DVD contents in the disk or the ENAV contents in the disk.”; see [0161]: “...in addition to the DVD contents stored in an optical disk ‘d’ or the ENAV contents, the ENAV contents distributed from the web content distribution server S can be independently or can be displayed to be composed with the DVD contents in the disk or the ENAV contents.”).

Regarding **claim 4**, Tsumagari discloses everything claimed as applied above (see claim 1). Further, Tsumagari discloses wherein the first and second enhanced data is a Java program (see [0036]: “the ENAV contents...are described using a markup or script language...for example...Javascript...”).

Regarding **claim 5**, Tsumagari discloses everything claimed as applied above (see claim 4). Further, Tsumagari discloses wherein the Java program is executed by a Java module (see [0055]: “An ENAV reproducing portion E...executes a command (ENAV command) included in the interpreted reproduction control information.”).

Regarding **claim 6**, Tsumagari discloses everything claimed as applied above (see claim 4). Further, Tsumagari discloses wherein the Java program controls a reproduction of the data (see [0083] – [0085]: “...a function for parsing and interpreting the ENAV contents...For reproduction control information...there are used specific commands or variables associated with reproduction of the DVD video disk and/or ENAV contents...”; see [0092]: “..to carry out any of...full video mode...full ENAV mode...mixed frame mode...”).

Regarding **claim 8**, Tsumagari discloses everything claimed as applied above (see claim 1). Further, Tsumagari discloses wherein the java module generates a control command for reproducing at least one of the first and second AV data and the first and second enhanced data (see [0083] – [0085]: “...a function for parsing and interpreting the ENAV contents...For reproduction control information...there are used specific commands or variables associated with reproduction of the DVD video disk and/or ENAV contents...”; see [0053]: “The DVD video reproduction control portion 52 is configured so as to control reproduction of the DVD video contents according to a ‘DVD control signal’ outputted from the ENAV reproducing portion E...can output a ‘DVD event signal’ indicating a reproduction state of DVD video contents relevant to the ENAV reproducing portion E...”).

Regarding **claim 19**, the examiner maintains the claim is the corresponding apparatus to the method of claim 1, and is therefore rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 27**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, Tsumagari discloses a pre-processing unit configured to adjust a displaying size of the first and second AV data and first and second enhanced data (see [0072]: "...window size change event..."; see [0085]: "...a command for instructing change in size and a variable for specifying a size after changed...").

Regarding **claim 28**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, Tsumagari discloses a Java module configured to control a reproduction of at least one of the first and second AV data and the first and second enhanced data (see [0076] – [0077]: "...the ENAV interface portion 55 feeds a signal for controlling an output state of a video image and/or voice to a video image and/or voice output control portion 59 according to the user event from the user event control portion 54 and/or the content of the ENAV command from the ENAV interpreting portion 56...ENAV interface portion 55 is configured so as to exchange a first signal...based on the content (command) interpreted by the ENAV interpreting portion 56 or the user event from an input unit...").

Regarding **claim 29**, Tsumagari discloses everything claimed as applied above (see claim 28). Further, Tsumagari discloses wherein the Java module generates a control command to control the reproduction of the first and second AV data and first

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and second enhanced data (see the rejection to claim 28 above as well as [0093] – [0097] which disclose multiple reproduction modes).

Regarding **claim 30**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, Tsumagari discloses a storage configured to store the external data (see [0057] – [0058]: “...buffer portion 57...”).

Regarding **claim 31**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, Tsumagari discloses wherein the first and second enhanced data is additional data to be reproduced with the first and second AV data (see [0092]: “...full video mode...full ENAV mode...mixed frame mode...” as well as figures 9A-D which exhibit “video image of dinosaurs,” “Highlight scene of dinosaur world II,” and “DVD network shopping of highlight scene of dinosaur world II” as example of “additional data to be reproduced with the first and second AV data.”).

Regarding **claim 33**, Tsumagari discloses everything claimed as applied above (see claim 1). Further, Tsumagari discloses providing an option to reproduce the first AV data with the second enhanced data (see [0156]: “The downloaded ENAV contents can be displayed independently or can be displayed to be composed with the DVD contents in the disk or the ENAV contents in the disk.”; see [0159]: “On the other hand, a user event control portion 54 receives an operating signal from a user operating portion 53 or operates an output mode selecting switch 102 of the above described remote controller 101, thereby supplying a control signal to the video image and/or voice output control portion 59 in order to carrying out switching of the previously

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described four cases a, b, c, and d.”; see [0157]: “...it is possible to display at least the four cases described above.”).

Regarding **claim 34**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 33 above.

Regarding **claim 35**, Tsumagari discloses everything claimed as applied above (see claim 1). Further, Tsumagari discloses wherein the first AV data is in the form of a data stream that provides audio and video data (see [0005]: “For the presentation data, video data, audio data, and sub-picture data are multiplexed in accordance with a specification for a program stream...defined in MPEG2.”).

Regarding **claim 36**, Tsumagari discloses everything claimed as applied above (see claim 19). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 35 above.

Regarding **claim 37**, Tsumagari discloses everything claimed as applied above (see claim 35). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 35 above.

Regarding **claim 38**, Tsumagari discloses everything claimed as applied above (see claim 37). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 35 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari et al (US PgPub 2004/0126095), hereinafter referred to as Tsumagari, in view of Chatterton (US Patent 7,116,894), hereinafter referred to as Chatterton, further in view of Mekenkamp et al (US PgPub 2004/0091249), hereinafter referred to as Mekenkamp.

Regarding **claim 7**, Tsumagari discloses everything claimed as applied above (see claim 1). However, Tsumagari fails to disclose wherein the external data is a digital broadcast signal. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Chatterton.

In a similar field of endeavor, Chatterton discloses a system and method for digital multimedia stream conversion (see title). Further, Chatterton discloses wherein the external data is a digital broadcast signal (see column 3, lines 63-67: "...a digital media server 100 coordinates multimedia content from...broadcast communication channels (130) e.g. digital/analog cable and satellite...").

Therefore, it would have been obvious to modify the method of Tsumagari to include the teachings of Chatterton, for the purpose of providing multimedia content from a variety of external sources.

The combination of Tsumagari and Chatterton fails to disclose the internal data is a signal reproduced from a read-only blu-ray disc. The examiner maintains it was well known in the art to include the missing limitations, as taught by Mekenkamp.

In a similar field of endeavor, Mekenkamp discloses a continue recording channel feature for personal video recorder (see title). Further, Mekenkamp discloses the internal data is a signal reproduced from a read-only blu-ray disc (see [0020] – [0021]: “a PVR A...hard drive 80...may be another suitable type of storage device including...a blue-laser-based optical disc system...”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Tsumagari and Chatterton to include the teachings of Mekenkamp, for the purpose of providing a user with main data that is of a higher visual quality than that of a standard DVD disc.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsumagari et al (US PgPub 2003/0161615) discloses an enhanced navigation system using digital information medium (see title).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571) 270-5577. The examiner can normally be reached on M-F, 9am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on (571) 272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARC DAZENSKI/  
Examiner, Art Unit 2621

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